



PARENTS, CARERS AND PUPILS
DATA PRIVACY NOTICE

Herne Bay High School is committed to protecting and respecting your privacy.

This policy (together with our data protection and retention policy and any other documents referred to on it) sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

The rules on processing of personal data are set out in the General Data Protection Regulation (the “GDPR”).

DEFINITIONS

Data controller – A controller determines the purposes and means of processing personal data.

Data processor – A processor is responsible for processing personal data on behalf of a controller.

Data subject – Natural person

Categories of data – Personal data and special categories of personal data

Personal data – The GDPR applies to ‘personal data’ meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier (as explained in Article 6 of GDPR). For example name, passport number, home address or private email address. Online identifiers include IP addresses and cookies.

Special categories personal data – The GDPR refers to sensitive personal data as ‘special categories of personal data’ (as explained in Article 9 of GDPR). The special categories specifically include genetic data, and biometric data where processed to uniquely identify an individual. Other examples include racial and ethnic origin, sexual orientation, health data, trade union membership, political opinions, religious or philosophical beliefs.

Processing – means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Third party – means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

WHO ARE WE?

Herne Bay High School are the ‘data controller’ of personal data you and our feeder schools provide to us for the purposes of data protection law. This means the school determines the purposes for which, and the manner in which, any personal data relating to pupils and their families is to be processed.

In some cases, personal data will be provided to a third party processor; however, this will only occur with your consent, unless the law requires the school to share your data. Where the school outsources data to a third party processor, the same data protection standards that Herne Bay High School upholds are imposed on the processor.

Mr C Harris is Herne Bay High School’s Data Protection Officer. Their role is to oversee and monitor the school’s data protection procedures, and to ensure they are compliant with the GDPR. The data protection officer can be contacted on principal@hernebayhigh.org. Notification of the use of personal data at Herne Bay High School is disclosed within the Information Commissioner’s Office register entry Z923423X.

THE PURPOSE(S) OF PROCESSING YOUR PERSONAL DATA

Herne Bay High School uses your personal data to provide an education service in the public interest.

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care

- to assess the quality of our services
- to comply with the law regarding data sharing
- to safeguard and monitor the welfare of our pupils
- to administer admissions waiting lists

OUR LAWFUL BASIS FOR PROCESSING YOUR PERSONAL DATA

Herne Bay High School holds the legal right to collect and use personal data relating to pupils, their families, and wider domestic network. We may also receive information from their previous school, Local Authority and/or the Department for Education. We collect and use personal data in order to meet legal requirements and legitimate interests set out in the General Data Protection Regulation (GDPR) and UK law, including those in relation to the following:

- Basis E of Article 6, and basis G of Article 9, of the GDPR
- Education Act 1996
- Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013

Whilst the majority of personal data you provide to us is mandatory, some is provided to us on a voluntary basis. Herne Bay High School will inform you whether you are required to provide certain information to us or if you have a choice in this. Where consent is required, Herne Bay High School will provide you with explicit information with regard to the reason the data is collected and how the data will be used.

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

THE CATEGORIES OF PERSONAL DATA CONCERNED

With reference to the categories of personal data described in the definitions section, we process the following categories of your data:

- Contact details (such as name, address, contact information)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Medical information (such as details of medical conditions, prescriptions, dietary requirements)
- Safeguarding Information
- Attendance information
- Assessment Information (such as the results of internal assessments, national curriculum assessment results and externally set examinations)
- Special educational needs and disability (SEND) and high needs information (such as details of any support received, including care packages, plans and support providers)
- Behavioral Information (such as exclusions, Youth Offending Team)
- Photographs
- CCTV images captured within the school grounds

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

HOW WE STORE PERSONAL DATA

Personal data relating to pupils of Herne Bay High School, their families, and wider domestic network is stored in line with the schools Data Protection Policy.

HOW LONG DO WE KEEP YOUR PERSONAL DATA

We keep your personal data for no longer than reasonably necessary in order to meet legal requirements. Examples include: in case of any legal claims/complaints; for safeguarding purposes etc. Herne Bay High School retains personal data in line with guidance provided to schools within the Information and Records Management Society's toolkit for schools.

SHARING YOUR PERSONAL DATA

Herne Bay High School do not share personal data with any third party, without consent, unless the law allow us to do so. Where it is legally required, or necessary (and it complies with data protection law) we may share personal data with:

- Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions
- The Department for Education
- The pupil's family and representatives
- Educators, other educational establishments and examining bodies
- Our regulator (Ofsted)
- Suppliers and service providers – to enable them to provide the service we have contracted them for
- Financial organisations
- Central and local government
- Our auditors
- Health and social welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals
- Professional bodies

The National Pupil Database (NPD) is managed by the DfE and contains information about pupils in schools in England. Herne Bay High School is required by law to provide personal data about our pupils to the DfE as part of statutory data collections, such as the school census; some of this personal data is then stored in the NPD.

We are required to pass some of your personal data to Kent County Council (KCC) as part of the Intended Destination, September Guarantee and Annual Activity processes. This is to assist KCC fulfil its legal obligation under the Education and Skills Act 2008 and the Apprenticeship, Skills, Children and Learning Act 2009 to assist, encourage and enable young people aged 13-19 (and young adults with learning difficulties or disabilities up to the age of 25) to participate in education or training. KCC are then required to share this personal data with the Department of Education.

There are occasions when law enforcement agencies such as the Police may contact the school for personal data about an employee or pupil in connection with, for example, an investigation. In such cases that the data is requested for the prevention or the detection of crime or the apprehension or prosecution of offenders or the assessment of the collection of any tax or duty or of any imposition of a similar nature, the school will liaise with the police (or the third party) accordingly, with the Principal, or another senior member of staff, establishing whether the request for information meets one of the above exemptions prior to providing this information.

YOUR RIGHTS AND YOUR PERSONAL DATA

Unless subject to an exemption under the GDPR, you have the following rights with respect to your personal data:

- The right to request a copy of the personal data which we hold about you;
- The right to request that we correct any personal data if it is found to be inaccurate or out of date;
- The right to request your personal data is erased where it is no longer necessary to retain such data;

- The right to withdraw your consent to the processing at any time, WHERE CONSENT WAS YOUR LAWFUL BASIS FOR PROCESSING THE DATA;
- The right to request that we provide you with your personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability), (where applicable i.e. where the processing is based on consent or is necessary for the performance of a contract with the data subject and where the data controller processes the data by automated means);
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- The right to object to the processing of personal data, (where applicable i.e. where processing is based on legitimate interests (or the performance of a task in the public interest/exercise of official authority); direct marketing and processing for the purposes of scientific/historical research and statistics).

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with our Data Protection Officer in the first instance.

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 15), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request, and if we do hold information about you or your child, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you or your child
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request please download the Subject Access Request template provided on the Data Protection & Privacy page of our school website <http://www.hernebayhigh.org/188/data-protection-privacy>.

Under the GDPR we will not charge a fee to provide this information, and in most cases, must supply the information electronically within 1 month.

Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/> or on 0303 123 1113, Monday-Friday 9am-5pm. Kent County Council's Management Information Team can be contacted at management.information@kent.gov.uk.

AUTOMATED DECISION MAKING

We do not use any form of automated decision making with personal data.

FURTHER PROCESSING

If we wish to use your personal data for a new purpose, not covered by this Data Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions.

CHANGES TO OUR PRIVACY POLICY

Any changes we may make to our privacy policy in the future will be posted on this page and, where appropriate, we will notify you. Please check back frequently to see any updates or changes to our privacy policy.

HOW TO MAKE A COMPLAINT

We take any complaints about our collection and use of personal data very seriously.

If you believe our collection or use of personal data unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with our Data Protection Officer in the first instance.

To make a complaint, please contact our Data Protection Officer, Mr C Harris - principal@hernebayhigh.org.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF